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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,551	05/04/2001	Vijay K. Bhagavath	42253/234155	1142

			EXAMINER
826	7590	12/16/2004	NGUYEN, SON XUAN

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ART UNIT	PAPER NUMBER
2664	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 May 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-43</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-43</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>04 May 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>4/24/2002</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Claim Objections

1.   Claim 37 is objected to because it is duplicated of claim 36. Appropriate

correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 1-27, 29-43 are rejected under 35 U.S.C. 102(e) participated by Haitsuka

at el. (U.S 6,366,298), hereinafter referred to as Haitsuka.

Regarding claim 1, Haitsuka discloses an apparatus for monitoring

communication network usage comprising: a usage monitoring module (Monitoring

Server 130 of Figure 1) operating at a network access point (Data Access Network 120

of Figure 1) that captures all request packets transmitted from a plurality of network

users and all response packets transmitted from a plurality of network services (see

lines 1-4 of column 3); wherein the usage monitoring module filters the captured

packets to extract usage monitoring data therefrom (see lines 54-61 of column 6); and a

usage monitoring database (data stores 140a-g of Figure 3) in communication with said

usage monitoring module that receives the filtered usage monitoring data from the

usage monitoring module and stores the data associated with the user request packets

and network response packets.

Regarding claim 2, Haitsuka discloses a gateway device (Data Access Network

120 of Figure 1; see lines 21-23 of column 4) that implements the usage monitoring

module, wherein the gateway device is disposed within the network at point of network

traffic aggregation so that it receives all requests from a plurality of network users and

receives all responses from network services.

Regarding claim 3, Haitsuka discloses the usage monitoring module filters the

captured packets to extract network addresses and the usage monitoring database

stores the network addresses (see lines 11-16 of column 6).

Regarding claim 4, Haitsuka discloses the network addresses further comprise

URLs (Uniform Resource Locators) (see lines 9-13 of column 2).

Regarding claim 5, Haitsuka discloses the usage monitoring module filters the

captured packets to extract usage monitoring data comprising at least one type of data

chosen from the group consisting of user identification, network addresses, packet

timestamp, referring network address, content-type, content length, response status

code and user query string (see lines 38-43 of column 5).

Regarding claim 6, Haitsuka discloses the usage monitoring module performs

navigational sequencing on captured packets so as to monitor a sequence of network

addresses accessed by a user (HTTL is used to navigate the WEB; see lines 63-65 of

column 1).

Regarding claim 7, Haitsuka discloses the usage monitoring module performs a

status code check on network service response packets to verify that a user has access

to a requested network service address so that only data associated with accessible

network services is stored in the usage monitoring database (see lines 6-16 of column

6).

Regarding claim 8, Haitsuka discloses the usage monitoring database further

comprises a user request database that temporarily stores user request data prior to

receiving a response from a requested network service (Interactive Usage Data 140b of

Figure 3).

Regarding claims 9 and 10, Haitsuka discloses the usage monitoring database

further comprises a temporary database that temporarily stores user monitoring

information for network addresses that have only been accessed by a user no more

than a predetermined minimum number of times; and the predetermined minimum

number of times is one (see lines 6-10 of column 6; Interactive Usage Data 140b of

Figure 3).

Regarding claims 11-12, Haitsuka discloses a designated network address

database (Network Usage Information 140a of Figure 3) that stores network addresses

that have been designated for navigational sequencing; and the usage monitoring

module (see lines 50-53 of column 9) is adapted to receive the network addresses that

have been designated for navigational sequencing from a usage monitoring client.

Regarding claim 13, Haitsuka discloses the usage monitoring module defines the

network addresses that have been designated for navigational sequencing based on the

frequency that a user accesses the network address (see lines 11-16 of column 6).

Regarding claim 14, Haitsuka discloses the usage monitoring database further

comprises a primary database that stores the data associated with the user request

packets and network response packets (Geographic Data 140d and Personal Profile

Information 140g of Figure 3).

Regarding claims 15-16, Haitsuka discloses an insertion server in communication

with the usage monitoring database that provides network users with targeted

information based on network user usage monitoring data, with targeted advertisements

based on network user usage monitoring data (see lines 62-66 of column 6).

Regarding claim 17, Haitsuka discloses the insertion server further comprises a

survey insertion server that provides network users with targeted surveys based on

network user usage monitoring data (see lines 62-66 of column 6 and lines 1-8 of

column 7).

Regarding claim 18, Haitsuka discloses a method for providing usage monitoring in a communications network (See Figure 5), the method comprising: capturing all data packets being transmitted from a plurality of users and a plurality of network services at a network point of access; filtering the captured packets to provide for usage monitoring data; and storing the usage monitoring data in a usage monitoring database (see lines 54-61 of column 6).

Regarding claim 19, Haitsuka discloses capturing all data packets being transmitted from a plurality of users and a plurality of network services at a network point of access further comprises capturing all data packets being transmitted from a plurality of users and a plurality of network services at a gateway device (Data Access Network 120 of Figure 1; see lines 21-23 of column 4).

Regarding claim 20, Haitsuka discloses filtering the captured packets to provide usage monitoring data further comprises filtering the captured packets to extract usage monitoring data comprising at least one type of data chosen from the group consisting of user identification, network addresses, packet timestamp, referring network address, content-type, content length, response status code and user query string (see lines 31-43 of column 5).

Regarding claim 21, Haitsuka discloses storing the usage monitoring data in a temporary database prior to storing the usage monitoring data in a primary database (see lines 38-43 of column 5).

Regarding claim 22, Haitsuka discloses a method for providing usage monitoring in a communications network (See Figure 5), the method comprising: capturing a

transmitted data packet at a network point of access; determining if the transmitted data

packet is a user generated request data packet; and storing the transmitted data packet

in a first database if the transmitted data packet is determined to be a user generated

request data packet (see lines 54-61 of column 6).

Regarding claim 23, Haitsuka discloses capturing a transmitted data packet at a

network point of access further comprises capturing a transmitted data packet at a

network gateway device (Data Access Network 120 of Figure 1; see lines 21-23 of

column 4).

Regarding claim 24, Haitsuka discloses storing the transmitted data packet in a

first database if the transmitted data packet is determined to be a user generated

request data packet further comprises storing the transmitted data packet in a first

temporary database if the transmitted data packet is determined to be a user generated

request data packet (see lines 38-43 of column 5).

Regarding claim 25, Haitsuka discloses transferring the transmitted data packet

from the first database to a second database if the transmitted data packet is matched

with an accessible network service response data packet (Data can be transmitted

between Network Usage Information 140a and Interactive Data140b of Figure 3; See

lines 6-17 of column 6).

Regarding claim 26, Haitsuka discloses a temporary database that stores the

transmitted data packet and the matched network service response data packet if a

determination is made that the user has not exceeded a predetermined number of

network service address accesses (see lines 6-10 of column 6; Interactive Usage Data

140b of Figure 3).

Regarding claim 27, Haitsuka discloses a primary database that stores the

transmitted data packet and the matched network service response data packet if a

determination is made that the user has exceed a predetermined number of network

service address accesses (Demographic Requirements of Data to Send 140c of Figure

3).

Regarding claim 28, Haitsuka discloses determining if the transmitted data

packet exceeds a session flow limit so as to warrant storage of the first transmitted data

packet in the first database (See lines 59-61 of column 6 and lines 6-8 of column 7).

Regarding claim 29, Haitsuka discloses a method for providing usage monitoring

in a communications network (See Figure 5), the method comprising: capturing a

transmitted data packet at the network point of access, the transmitted data packet

being determined to be a network service generated response packet; verifying user

network accessibility of the second transmitted data packet; matching the transmitted

data packet with a user generated request data packet; and storing usage monitoring

information from the matched transmitted data packet and user generated request data

packet in a database (see lines 54-61 of column 6).

Regarding claim 30, Haitsuka discloses capturing a transmitted data packet at a

network point of access further comprises capturing a transmitted data packet at a

network gateway device (Data Access Network 120 of Figure 1; see lines 21-23 of

column 4).

Regarding claim 31, Haitsuka discloses checking the status code of the

transmitted data packet to verify user network accessibility (see lines 6-9 of column 6).

Regarding claim 32, Haitsuka discloses storing usage monitoring information

from the matched transmitted date packet and user generated data packet in a

temporary database if a determination is made that the user has not exceeded a

predetermined number of network service address accesses (see lines 6-10 of column

6; Interactive Usage Data 140b of Figure 3).

Regarding claim 33, Haitsuka discloses storing usage monitoring information

from the matched transmitted date packet and user generated data packet in a primary

database if a determination is made that the user has exceeded a predetermined

number of network service address accesses (Demographic Requirements of Data to

Send 140c of Figure 3).

Regarding claim 34, Haitsuka discloses a method for navigational sequence

usage monitoring in a communications network (See Figure 5), the method comprising:

designating network addresses requiring navigational sequencing (TCP/IP Network;

See lines 9-13 of column 2); capturing, at a network point of access (Data Access

Network 120 of Figure 1), a user transmitted data packet associated with a network

address (See lines 22-26 of column 8); determining if the network address associated

with the captured user transmitted data packet is a designated network address (See

lines 46-50 of column 8; and lines 50-52 of column 9); and storing a predetermined

number of network addresses that are accessed proximate the designated network

address as a navigational sequence if a determination is made that network address

associated with the captured user transmitted data packet is a designated network address (see lines 2-5 of column 3; and lines 54-61 of column 6).

Regarding claims 35-38, Haitsuka discloses storing a predetermined number of network addresses that are accessed subsequent and prior to the access of the designated network address as a navigational sequence (Figure 5 and Figure 8a-c; and Demographic Requirements of Data to Send 140c of Figure 3).

Regarding claim 39, Haitsuka discloses determining if the user that sent the user transmitted data packet has accessed a designated network address in a predetermined number of previous network address accesses; and adding the network address from the user transmitted data packet to a navigational sequencing list if a determination is made that the user has accessed a designated address in the predetermined number of previous network address accesses (See Figure 5 and Figure8a-c).

Regarding claim 40, Haitsuka discloses storing the designated network address in a database (See lines 59-61 of column 6).

Regarding claims 41-43, Haitsuka discloses designating network addresses requiring navigational sequencing is based upon determining the most frequently accessed network addresses, network addresses accessed a predetermined number of times, usage monitoring client selected network addresses (See lines 62-67 of column 6 and lines 1-8 of column 7).

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

a) Bunch; Clinton D (U.S 6,795,856), System and method for monitoring the internet
access of a computer.

b) Conkright et al. (U.S 6,236,332), Control and monitoring system.

c) Haitsuka at el. (U.S 6,505,201) Apparatus for monitoring individual internet usage.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SON X. NGUYEN whose telephone number is 571-272-

6048. The examiner can normally be reached on 8 AM -5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free).